



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Kyle Flanders
Senior Policy Analyst
Department of Housing and Community Development

From: Justin I. Bell
Assistant Attorney General

Date: January 19, 2023

Subject: Letter of Assurance for Update the Statewide Fire Prevention Code 13 VAC 5-52

I have reviewed the Virginia Board of Housing and Community Development's (the Board) proposed regulatory action to update the Statewide Fire Prevention Code at 13 VAC 5-52. The Board has the legal authority to update the Statewide Fire Prevention Code as by § 27-97 of the *Code of Virginia*. Section 27-97 of the *Code of Virginia* requires that the Board shall have due regard for the generally accepted standards for safety standards and this update will bring the Statewide Fire Prevention Code up to the standard mentioned in § 27-97. In my view, as counsel to the Board, the Board may take this regulatory action.

Further, this update to the Statewide Fire Prevention Code is exempt from the requirements of Article 2 of Chapter 40 of Title 2.2 of the *Code of Virginia* pursuant to § 2.2-4006(A)(12) of the *Code of Virginia*. The

regulatory action does not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor does it appear to conflict with any federal or state law currently in effect.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of this regulatory action.